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Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number SANDFORD L. FREY (SBN #117058) ROBINSON, DIAMANT & WOLKOWITZ 1888 Century Park East Suite 1500 Los Angeles, CA 90067 (310) 277-7400 (310) 277-7584	FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">FILED</div> <div style="font-size: 1.2em; margin: 10px 0;">01 OCT 18 PM 12:38</div> CLERK U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: JOSEPH L. SAPIENZA, Debtor. <div style="text-align: right;">Debtor(s).</div>	CASE NO.: _____ DEPUTY LA 01-12370-ES

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: November 8, 2001	Time: 10:30 a.m.
Location: U.S. Bankruptcy Ct., Ctrm. 1645, 255 East Temple St., L.A., CA 90012	

Type of Sale: ☒ Public: ☐ Private: Last date to file objections: October 25, 2001

Description of Property to be Sold: Commercial Real Property located at 2697, 2699 & 2699A Pacific Coast Highway, City of Hermosa Beach, Los Angeles, California.

Terms and Conditions of Sale: Purchase price \$895,000 property purchased "as-is" without any representations or warranties of any kind; and real estate broker's commission - 5% of purchase price.

Proposed Sale Price: 895,000

Overbid Procedure (If Any): See attached Notice of Motion.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact Person for Potential Bidders (include name, address, telephone, fax and/or e:mail address):

Sandford L. Frey, Esq.
Robinson, Diamant & Wolkowitz
A Professional Corporation
1888 Century Park East, Suite 1500
Los Angeles, California 90067

Date: October 17, 2001

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9 Attorneys for Debtor and Debtor In Possession

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11 **UNITED STATES BANKRUPTCY COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **LOS ANGELES DIVISION**

14 In re

15 JOSEPH L. SAPIENZA,

16 Debtor.

Bk. No. LA 01-12370-ES
Chapter 11

**AMENDED AND CORRECTED NOTICE OF
MOTION FOR ORDER (1) AUTHORIZING
SALE OF COMMERCIAL REAL PROPERTY;
(2) AUTHORIZING SALE OF COMMERCIAL
REAL PROPERTY FREE AND CLEAR OF
CLAIMS, LIENS, INTERESTS AND
ENCUMBRANCES, (3) APPROVING
OVERBID PROCEDURE; AND (4)
APPROVING ATTACHMENT OF LIENS,
CLAIMS, INTERESTS AND ENCUMBRANCES
TO SALE PROCEEDS**

[2697, 2699 & 2699A Pacific Coast
Highway, City of Hermosa Beach,
Los Angeles, CA 90254]

[11 U.S.C. § 363; Fed. R. Bankr.
Proc. 2014 and 6004(a); Local
Bankruptcy Rule 2014-1 and 9013-
1(a)]

OLD HEARING DATE:

Date: November 6, 2001

Time: 3:30 p.m.

Place: Courtroom "1645"

255 East Temple Street
Los Angeles, CA 90012

NEW HEARING DATE:

Date: November 8, 2001

Time: 10:30 a.m.

Place: Courtroom "1645"

255 East Temple Street
Los Angeles, CA 90012

1 On or about October 12, 2001, counsel for Joseph L.
2 Sapienza (the "Debtor") debtor and debtor in possession herein,
3 filed the "Notice of Motion for an Order: (1) authorizing sale of
4 commercial real property; (2) approving the sale free and clear
5 of claims, liens, interests and encumbrances, with such liens,
6 claims, interests and encumbrances to be attached to the proceeds
7 in the same order and priority to which they were recorded
8 against the estate's interest in the commercial real property
9 located at 2697, 2699 and 2699A Pacific Coast Highway, City of
10 Hermosa Beach, Los Angeles, California 90254 (the "Property");
11 (3) authorizing the overbid procedure set forth herein; and (4)
12 approving attachment of liens, claims, interests and encumbrances
13 to sale proceeds" (the "Notice").

14 The Notice stated the scheduled time of the hearing on
15 the Motion as **November 6, 2001, at 3:30 p.m.** On October 16, 2001
16 the Court contacted counsel for the Debtor and informed counsel
17 that the Court could not hear the Motion at that time and
18 rescheduled the hearing on the Motion to **November 8, 2001 at**
19 **10:30 a.m.**

20 The Debtor seeks authority to sell the Property to
21 Michael G. Wuerth (the "Purchaser") for \$895,000, subject to
22 overbid. The Debtor seeks to sell the Property free and clear of
23 liens, claims, interests and encumbrances with such liens,
24 claims, interests, and encumbrances to be attached to the sale
25 proceeds. Any person interested in submitting an overbid on the
26 Property must attend the hearing on the Motion. For purposes of
27 this sale, an overbid will be defined as an initial bid of \$5,000
28 above the proposed purchase price, and incremental bids of \$1,000
thereafter. Over-bidders must tender cash or cash equivalent
paid to Joseph L. Sapienza Debtor In Possession, in the amount of
\$89,500, to counsel for the Debtor with their initial overbid
(the "Deposit") at the hearing, and have documentary evidence at
the hearing to establish that such overbidder has an
unconditional loan commitment for at least \$810,500. The Deposit
shall be non-refundable and forfeited to the Debtor if the
winning over-bidder is unable for any reason, to close the sale
within thirty (30) days of the hearing. The Motion also requests
that the Court order that the ten (10) day stay pursuant to
Bankruptcy Rule 6004(a) does not apply.

29 **PLEASE TAKE FURTHER NOTICE** that the Motion is based
30 upon this Notice of Motion and Motion, the attached memorandum of
31 points and authorities, the attached declarations in support
32 thereof, the files, pleadings, and orders on file in the above-
33 captioned bankruptcy case, and such other documentary evidence
34 and oral arguments as may be submitted.

35 The Motion will be on file in the office of the Clerk
36 of the Bankruptcy Court. Copies of the Motion may be obtained
37 from contacting counsel for the Debtor whose name, address, and
38 telephone number are located in the upper left-hand corner of
this Notice.

1 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local
2 Bankruptcy Rule 9013-1(g), any interested party who wishes to
3 oppose the relief requested in the Motion must, no later than
4 fourteen (14) days prior to the hearing date, file with the Clerk
5 of the Bankruptcy Court and serve upon the United States Trustee
and counsel for the Debtor, whose name and address appears in the
upper left-hand corner of the Motion, a brief but complete
written statement setting forth all of its reasons for opposing
the Motion and the relief requested therein.

6 DATED: October 16, 2001

ROBINSON, DIAMANT & WOLKOWITZ
A Professional Corporation

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8
9 By: _____

SANDFORD L. FREY
Attorneys for Debtor and
Debtor In Possession

10 MAILING DATE: October 17, 2001
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